

[Entered 3/30/06
by Judge Alan L. Pearson]

IN THE IOWA DISTRICT COURT IN AND FOR DUBUQUE COUNTY

STATE OF IOWA, ex rel., THOMAS J. MILLER, ATTORNEY GENERAL OF IOWA (99AG23112),

Plaintiff,

vs.

EHRlich CONCRETE CONSTRUCTION, INC.,

Defendant.

LAW NO. CVCV054373

**CONSENT ORDER, JUDGMENT
AND DECREE**

NOW on this ____ day of _____, 2006, the Court is presented with the plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6(1)(a) and 480.7. The Court having read the petition and being otherwise advised by the parties FINDS:

1. The Court has jurisdiction of the parties and the subject matter of this action and the parties consent to entry of this Consent Order, Judgment and Decree.
2. Defendant Ehrlich Concrete Construction, Inc. admits the violations alleged in the Petition at Law.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Ehrlich Concrete Construction, Inc. is assessed a civil penalty of Five Thousand and no/100 dollars (\$5,000.00) for the violations alleged in the petition. The defendant shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balance. Payments of the civil penalty and interest shall be made to the Clerk of the Iowa District Court for Dubuque County.

2. Defendant Ehrlich Concrete Construction, Inc., its officers, employees, agents, successors and all other persons, corporations and other entities acting in concert or participating with the defendant who have actual or constructive notice of this injunction, are permanently enjoined from commencing any excavation in the State of Iowa, except during an emergency pursuant to Iowa Code section 480.4(6), without first contacting the statewide notification center (1-800-292-8989) at least 48 hours prior to the planned excavation, excluding weekends and legal holidays, as required by Iowa Code sections 480.1A and 480.4(1)(a), and providing the information required by Iowa Code sections 480.4(1)(b)(1)-(8) and 480.4(1)(c)(1)-(8); and further enjoining the defendant from commencing any excavation except under the schedule and pursuant to the terms of each such notification.

3. The Court retains jurisdiction of this matter to insure compliance with the terms of this Order.

4. The costs of this action are taxed to the defendant in the amount of \$ _____

(Clerk to enter).

JUDGE, First Judicial District of Iowa

Approved as to form:

THOMAS J. MILLER
Attorney General of Iowa



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Assistant Attorney General

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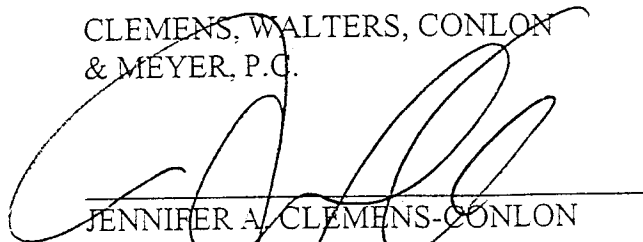
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ATTORNEYS FOR PLAINTIFF

CLEMENS, WALTERS, CONLON
& MEYER, P.C.



JENNIFER A. CLEMENS-CONLON

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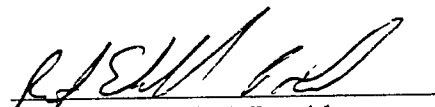
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ATTORNEYS FOR DEFENDANT

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DEFENDANT